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A BABY, A GIRL & A JUDGE

The world is all-too-used to tales of nazi mass-slaughters, of nameless thousands herded to their deaths by faceless butchers. Researchers working through the mounds of nazi documents held in the German Democratic Republic have unearthed a different type of story; it is a personal, individual story. Here, reconstructed from the scanty documents, is the tale:

In July 1941, the Wehrmacht swept through the little Ukrainian town of Brody, north-east of Lvov. Right on their heels came the Einsatztruppen, the Killing Squads of the SS. They killed many Jews in Brody, but soon moved on behind the rapidly advancing nazi armies, leaving part of the big Jewish community of Brody intact.

One of the Jews who survived the first wave of killings was Hirsch Mamut, with his wife and his little son, just three months old. Forced to wear the yellow star of David, existing on starvation rations, fearing for their lives and the life of their baby every instant, the family kept together. News of frightful massacres came in from other towns; reports were received that in town after town the German occupation authorities were herding all the Jews into ghettoes as the first step towards the liquidation camps.

For some months the little town of Brody escaped these measures, but in October 1942, when Hirsch Mamut's son was eighteen months old, orders were given that all Jews were to be concentrated in a closely guarded "Jewish residential area".

Hirsch Mamut knew that they were all doomed if they entered the ghetto. He saw no way of escape for his wife and himself, but he hoped to save his child.

He took his little son — we do not even know his name — for the documents refer to him only as "the Jew child", — to a Ukrainian acquaintance, a girl named Anna Zwarycz. He gave her all his scanty worldly goods — a few zloty, a pillow, and a feather bed, and she promised to look after the little boy. Hirsch Mamut and his wife went into the ghetto.

That is the last that was heard of the parents: they must have perished sometime in the next few months when all the ghettos in this part of the Ukraine were liquidated.

But the boy survived, for a few months at least, in the strictly limited freedom of a town under German occupation. Anna Zwarycz clothed him and fed him as best she could. Then, in April 1943, the local occupation authorities struck. Word had got out that a Jew, even though he was only a tiny child now just two years old, was still at liberty. Anna Zwarycz was arrested, on charges of harbouring a Jew contrary to German orders. The boy, only survivor of the Mamut family, disappeared from the scene, probably murdered out of hand.

On July 30th 1943 the girl was brought before the German Special Court in Lvov. A death sentence seemed certain. The German Special Courts usually passed down draconic sentences on Poles, Ukrainians, and other "inferior races" for even the slightest offences; death sentences were imposed daily for minor thefts, for being "insolent" to a German, and so on. "Harbouring a Jew" was a capital offence.

But amongst the hanging judges who staffed these courts there were a few, a very few, exceptions, white sheep who sometimes at least felt some qualms about what they were doing. We can only assume that a judge in this category was on the bench in Lvov Special Court; his name has not come down to us in the nazi records which have been preserved.

In any case, this judge did something unprecedented: he acquitted Anna Zwarycz. He could not admit that the law he was administering was barbaric; so he sought for a legal loophole.

The law in question, a nazi decree of October 15th 1941, made it a capital offence to hide a Jew "who left the Jewish residential quarter without permission". The judge interpreted the words literally; firstly, he said, Anna Zwarycz had not attempted to hide or conceal the little boy, but had kept him quite openly in her home; secondly the little boy had not "left" the Jewish ghetto, since he had never been there; and thirdly the question of permission to leave the ghetto did not arise since the lad was not capable, at the age of a few months, of doing anything of his own volition.

Anna Zwarycz was discharged. But the files on the case were sent on to the Judicial Department of the nazi occupation authorities in Krakow. Dr Josef Ganser, a former senior official in the nazi Ministry of Justice in Berlin, who had been seconded to a leading post in this department, was furious when he saw the files. On January 4th 1944 he dictated a long legal argument cancelling the acquittal, and referring the case of Anna Zwarycz, the girl who had tried to save a baby's life, to the German Upper Court in Krakow.

Anna Zwarycz was re-arrested, transported to Krakow, tried again on March 3rd 1944, and sentenced to death. We may assume she was immediately executed; no appeal was possible from such a sentence.

The baby and the girl are dead. Dr Josef Ganser, today 61, is Senate President (Chief Justice) in the West German Patents Court in Munich.

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The case of the girl and the baby was not an isolated instance in Dr Ganser's nazi career. In April

(cont. from front page)

A Baby, A Girl & A Judge

1943, some months before he made sure that Anna Zwarycz was sent to her death, he took similar action in the case of a Polish doctor, Sigismund Walczynski. A German Special Court had found the doctor guilty of carrying out an illegal operation on a German woman at her request, and had sentenced him to two years imprisonment. Dr Ganser intervened and had the case referred to another court where the doctor was sentenced to death.

Dr Ganser also drafted and circulated legal directives on the treatment of Jews in the occupied territories. None of these directives appear to have survived the war, but in his written legal argument on the Zwarycz case he states: "See also my directive Ju 472-7/40 of July 18th 1943." The reference letters "Ju" are short for "Juden" (Jews), and make it plain that this directive issued by a nazi legal headquarters in occupied Poland in summer 1943 can only have dealt with death and destruction.

But Dr Ganser is today a very senior judge in West Germany.

Bonn Police Tamper With Evidence

West German officials, either in a prosecutor's office or in the police, have been tampering with documentary evidence in an attempt to hinder the identification of nazi criminals, the West German Association of Nazi Persecutees (VVN) announced on December 2nd.

In August the VVN provided the legal authorities with a number of original photographs of guards employed at Gross Rosen Concentration Camp. The pictures passed through the hands of the public prosecutor in Cologne, and of the Dusseldorf police. When they were returned to the VVN, it was discovered that the faces of two of the guards had been so defaced that they could no longer be recognised.

Luckily, the VVN stated, good copies of the photographs had been made before the originals were entrusted to the authorities, and these copies should make it possible to continue the investigations. A spokesman of the Cologne public prosecutor's office stated: "Nothing of the sort could possibly happen to photographs in official hands".

100s of Nazi Judges

Many judges and public prosecutors with known records of nazi crime are still in office today in West Germany. Since 1957, research on nazi documents in the GDR, Poland, Czechoslovakia and other countries has brought to light details of the past careers of many hundreds of such "hanging judges".

Full details have been supplied to the West German authorities, but not a single one of these nazi criminals has been brought to justice.

Under the pressure of public opinion in West Germany and in other countries, the West German Government was forced in September 1961 to "urge" incriminated judges to retire on full pension. About 150 of them took advantage of this offer; the others remained in office, and nothing has been done to remove them.

On November 23rd 1964 newly-discovered details were given at a press conference in Berlin of the crimes committed by dozens of West German judges and prosecutors hitherto unidentified. One of the men was Dr Josef Ganser, whose case is dealt with fully above. Here are some details of the careers of a few of the other men named:

Dr Bilfinger: Former SS Lieutenant Colonel in the Reich Security Main Office. Today Senior Judge in Baden-Württemberg Administrative Court.

Bilfinger joined the Nazi Party in 1923, and served as a Gestapo officer from 1934. During the war he was one of the nazi inner circle which worked on the programme for the liquidation of the Jews. He attended the second and third top secret "Wannsee Conferences" on the "Final Solution of the Jewish problem" on March 6th and October 27th (see Nuremberg Trial Documents, NG-2586-M. At the October 27th conference he was the top-ranking nazi in attendance, with the exception of Adolf Eichmann, who held the same rank as Bilfinger in the SS.

Dr. Boehr: Formerly Military Judge in the 346th Infantry Division of the Wehrmacht. Today Provincial Court Judge in Hanover.

In 1943 Boehr presided at a military court which passed the death sentence on Edgar Hurkiewicz, Czech citizen conscripted into the Wehrmacht. Hurkiewicz, a pre-war member of the Communist Party, was found guilty of spreading Communist propaganda in the Wehrmacht.

Ernst Ehlers: Formerly Special Commissioner of the nazi Security Police in occupied Belgium and Northern France. Today Judge in Schleswig-Holstein Administrative Court.

Ehlers joined the Nazi Party in 1928, and later served with the rank of SS Major in Himmler's security service. In 1938 he joined the Gestapo, and worked in the Reich Security Main Office. In 1940 he became head of the Gestapo in Legnica, occupied Poland, and was later transferred to service in occupied Belgium.

Dr Richard Leiterer: Formerly Gestapo officer. Today Judge in Schleswig-Holstein Administrative Court.

Before the Second World War Leiterer was chief of the Gestapo in Magdeburg. Later, with the rank of SS Lieutenant, he served in the internal security service of the Reich Leadership of the Nazi Party.

Dr Helmut Müller: Formerly Police President in Gdynia, occupied Poland. Today Judge in Schleswig-Holstein Administrative Court.

Müller, a citizen of the Free City of Danzig, joined the Nazi Party in 1936. He held the rank of Lieutenant Colonel in the SS, and in 1943 was appointed Police President of the town of Gdynia in occupied Poland.

(NB. The last three men named worked together in the nazi police system; all of them work together today in the same court in Schleswig-Holstein.)

Dr Oldenburg: Formerly Judge in the nazi Special Court in Prenzlau. Today Judge in Bielefeld.

On November 26th 1943 Oldenburg passed a death sentence on the German agricultural worker Friedrich Bartelt, who was found guilty of stealing old shoes and socks, valued at 15 marks, from the ruins after an air raid.

Dr Schöllgen: Formerly Judge in the nazi Special Court at Wuppertal. Today Senior Judge in Mönchen-Gladbach.

On March 16th 1944 Schöllgen passed the death sentence on a German, Friedrich Schmidt, who had stolen and eaten some rabbits.

Pensions for Franco Troops

The West German Parliament agreed on December 2nd to pay out 1,700,000 marks yearly as pensions for members of the "Blue Division", the Spanish fascist formation which fought for Hitler on the eastern front in the Second World War.

During the debate on the measure, a Free Democratic MP urged that Franco should be asked to pay for the pensions of nazi soldiers who fought for him in Spain in the ranks of the Condor Legion. Pensions for veterans of this nazi force are at present paid out of the West German budget.

GDR High School Children Get Pay

Starting in January 1965, high school children from 14 to 18 will get training pay from their factories ranging from 40 marks a month for 15-year-olds to 70 marks for 18-year-olds. They now work two days a week, partly in the factory itself and partly in the factory vocational training school. (The scale of pay for full-time apprentices ranges between 90 and 130 marks).

The sum will be paid out in full to the children themselves; there will be no deductions for social insurance, since children are insured with their parents so long as they remain at school. In cases of illness, accident, hospital treatment etc. children will continue to receive this training pay for up to 26 weeks in any one year.

Children of poorer parents who have hitherto received an allowance (generally about 38 marks a month) will now get their training pay plus the difference, if any, between allowance and training pay. These children will also get a book allowance of about 10 marks a month.

The government subsidy for all school children — 20 marks a month up to the end of school life, at 16 or 18 according to the type of school attended, will continue.

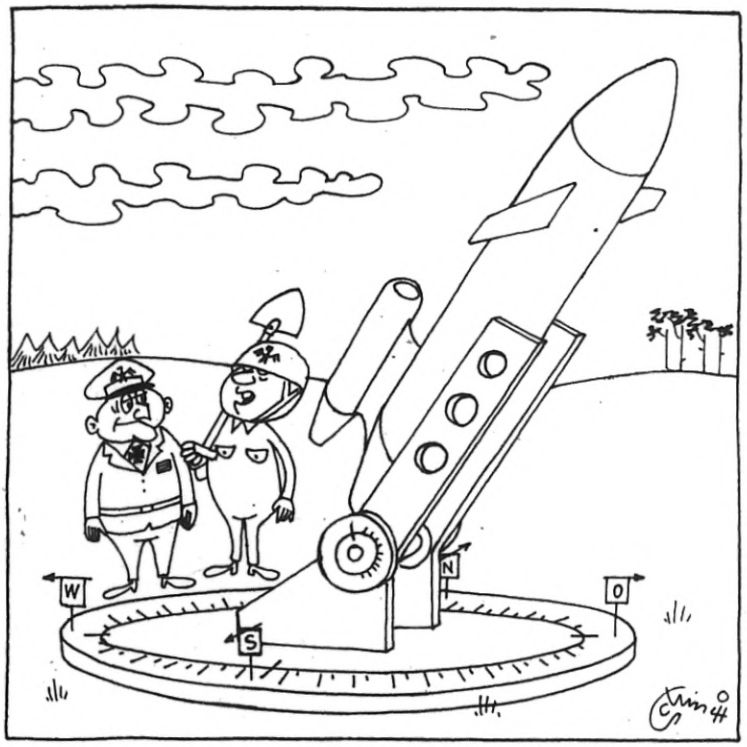
At present more than 85,000 high school children are taking full vocational training courses. The factories where they work are responsible for training pay. The total sum to be paid out in 1965 for training pay and additional allowances will be about 80 million marks. *(For details on the development of vocational training see GDR No. 15/1964)*

4000 Foreign Ships

A total of well over 4,000 foreign vessels called at the Baltic ports of the GDR in the first eleven months of 1964. More than half of them came from capitalist countries, including Britain, France, USA, Italy, Turkey and Israel. The ports of Rostock, Wismar and Stralsund handled a total of 7½ million tons of freight during this period.

Neo-Fascist Party for West Germany

A number of extreme right-wing parties and groups in West Germany came together at the end of November to form the "German National Democratic Party". The 700 politicians who founded the party at a congress in Hanover demanded the ending of all war crimes trials, and a renunciation "of the lie that Germany was responsible for World War Two".



(cartoon by Erich Schmitt, "Berliner Zeitung")

"We've mounted the rocket on a turntable so we can swing it round if our NATO friends get out of step"

Bonn, Nov. 22 – Defence Minister Kai-Uwe von Hassel received informal assurances during his recent visit to Washington that West Germany will eventually receive missiles that can hit strategic targets in the Soviet Union. The weapons system would be an improved version of the Pershing rocket, already a part of the "tactical" nuclear arsenal of the West German armed forces . . . It has been found technically feasible to increase the Pershing's range to about 700 miles. It is 650 miles from the Rhine to Lvov, the Western Ukrainian city . . .

All of the Bonn republic's considerable arsenal of atomic weapons acquired from the United States are held under "two-key" control. United States military officers hold one "key" to every nuclear warhead . . . There is no present intention to turn over the second key to the Bundeswehr.

"New York Times", November 23rd

GERMAN REPORT adds: 700-mile nuclear missiles in West Germany would reach not only to the western Ukraine but would cover Britain, France, Italy and most of Scandinavia.

In discussing the MLF with a colleague, I turned up a prize item for an anthology of nuclear horrors. He had been talking with German military men in Washington, who are strong, of course, for this idea of a 25-vessel fleet each armed with 8 Polaris missiles on whose triggers the Germans would have a finger. The German fear is that in the event of a Soviet clash with Germany, the U.S. would not risk its own destruction by a nuclear exchange with Russia but would try to limit the war to Central Europe and conventional arms. I asked what difference the MLF would make, since the U.S. would still be able to veto its use.

The German military, he found, make a different calculation. They believe that a new war may begin with a suicidal nuclear exchange between U.S. and U.S.S.R. which would leave both in ruins. The Soviet armies, however, might still remain largely intact and would move westward, if for no other reason than to escape radioactivity and find food. With the U.S. out of the picture, the Germans would then take over and use the MLF to 'interdict' and destroy these armies by nuclear bombardment, and emerge the victor from the Third World War.

"I. F. Stone's Weekly", Washington, November 9th

You Ask – We Answer

WHO PAID GERMAN REPARATIONS?

"On October 16th you reported that West Germany owes the GDR a huge sum of money because the GDR had paid an unfairly high share of war reparations after the Second World War. Can you give me some more information on this claim?"

J. M., Glasgow

Our report dealt with a speech made by Walter Ulbricht, in which he stated: "We had to do all we could to make reparation for the enormous damage done in the Second World War to the Soviet Union and other nations. The citizens of the small German Democratic Republic paid in those years the reparations for the whole of Germany. A West German Social Democratic scientist recently calculated that as a result of this, West Germany really owes the GDR several tens of thousands of millions of marks. The Bonn state, he suggested, should begin to pay off this debt to the GDR and its citizens . . . I would consider it only right and proper if West Germany were to be presented quite officially with this bill."

The West German referred to is Dr Arno Peters, a Munich historian, who recently presented to the two German governments his "Reparation Adjustment Plan".

The main points of this plan may be summarised as follows:

1. The present tension in Germany is largely due to the fact that West Germany is more prosperous than East Germany; this is one of the main reasons for the sharp division between the two parts of the country. The less favourable economic situation in East Germany has its main origin in the unequal distribution of the reparations burden.

2. Germany as a whole began, waged and lost the Second World War. It capitulated as a whole, and is therefore responsible as a whole for reparations; the partitioning of Germany cannot affect this legal responsibility.

3. The total reparations paid by various zones and states in Germany after 1945 amount to 117 thousand million marks at 1964 values. Of this sum 115 thousand million were paid by the GDR, and about 2 thousand mililon by West Germany.

4. If the reparations burden were justly spread throughout Germany, it would amount to 1,614 marks per head of the population. In fact the West German population paid only 35 marks per head, and the East German population 6,712 marks.

This difference, amounting to over 87,000 million marks, is the debt which the Federal Republic owes the GDR.

(Dr Peters bases these figures, which are not official, on some very complicated mathematical calculations, involving an estimate of GDR reparations considerably higher than the official figure, and adjusting rates of exchange to allow for changes in purchasing power. An official Soviet-GDR announcement of August 1953 shows that East Germany paid nearly 4,300 million dollars in reparations; and the Inter-Allied Reparations Agency announced in 1949 that West Germany paid about 500 million dollars. If the official and unweighted figures are taken instead of Dr Peters' adjusted figures, West Germany would owe the GDR a smaller sum, but still a sum running into many thousands of million marks.)

5. The tension between East and West Germany is largely based upon the economic differential between the two German states, the proposed adjustment of reparations would increase prosperity in East Germany and thus lead step by step to the restoration of free movement throughout Germany.

6. The proposed reparations adjustment payment would be a matter of right, and such payment cannot be linked with political conditions. It is possible that the necessary negotiations between the two German states on the final size of the payment and other technical matters in this connection could lead to a contractual agreement on the establishment of free movement and other questions important for the population of both parts of Germany.

* * *

The plan proposed by Dr Peters was noted with interest by many newspapers. The West German magazine "Revue" stated on August 2nd: "It is a fact that the Germans over there (in the GDR, ed.) helped to finance our economic miracle."

A spokesman of the West German "All-German Ministry" stated that the West German Government rejected the plan, since "it would involve the recognition of two German states."

There has been no official GDR comment on the plan, with the exception of the public statement made by Walter Ulbricht, Chairman of the GDR State Council, quoted above.

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New Berlin Police Chief

The police chief of East Berlin, General Fritz Eikemeyer, retired at the end of November because of ill-health. Eikemeyer was a former officer in the International Brigade in Spain.

New police chief is Colonel Horst Ende, aged 38. A tool-maker by profession, he joined the People's Police in 1946 and came up from the ranks.

Yet Another Nazi For London

Herbert Blankenhorn, Nazi Party member No. 6,977,147, will be appointed West German Ambassador to London when the present ambassador retires in March next year, it was announced in Bonn.

Blankenhorn joined the German diplomatic service in 1929. He joined the Nazi Party in 1936, when he was serving as legation counsellor in Washington. During the war he worked as a nazi diplomat in Helsinki and Berne, and from 1943 until the end of the war was Legation Counsellor First Class in the Protocol Department of Ribbentrop's Foreign Ministry in Berlin.

He was one of a group of Foreign Ministry experts who visited Warsaw Ghetto, Vitebsk and Smolensk in September 1941 to inspect methods being used for the "final solution" of the Jewish problem.

In the closing weeks of the war he was active in Switzerland, and was deported to Germany at the end of the war by the Swiss police as an active nazi. He is still named on Swiss police lists as an "undesirable alien" not allowed to enter Switzerland.

When West Germany established its diplomatic service in 1950, Blankenhorn was one of the first recruits, and by 1952 he had become head of the Political Department of the Foreign Ministry. In the same year the West German news magazine "Spiegel" published facts and figures showing that Blankenhorn had been a paid agent of the French intelligence service in the immediate post-war years. He filed libel charges against the magazine, but when the case came to court he withdrew the charges after the magazine made a formal apology stating that there had been no intention of causing offence. The "apology" did not retract any of the charges.

In 1958 Blankenhorn, by that time West German Ambassador to Paris, was in trouble again. A West German court found him guilty of slandering a leading official of the Ministry of Economics and imposed a suspended sentence of four months imprisonment.

In August 1963 he was transferred from Paris to Rome after General de Gaulle had officially complained to the West German Government that Ambassador Blankenhorn had been maintaining relations with anti-Gaullist circles close to the terrorist OAS.

The two previous West German Ambassadors to the Court of St James have also had interesting records. Hans Herwarth von Bittenfeld, appointed to the London post in 1955, served throughout the entire nazi period as one of Hitler's diplomats.

"The Times" of London reported on January 8th 1955: "Herr von Herwarth served at the German Embassy in Moscow from 1931 to 1939 . . . Herr von Herwarth served throughout the war as liaison officer of the German Foreign Ministry with the armed forces, with the army rank of captain."

Nazi documents show that his wartime duties included service on the staff of the "Vlassov Army" composed of Russian Quisling troops, and the training of special nazi sabotage squads.

Herr von Herwarth's successor, the present incumbent of the London post, is Hasso von Etzdorf. Here is a short extract from White Paper No. 3465 published by the West German Parliament in May 1952:

"1934/36 Secretary of Reich Foreign Minister von Neurath . . . 1939/44 representative of Foreign Ministry with Supreme Command of the Army . . . June 1st 1933 member of the NSDAP (Nazi Party), membership No. 3,286,356. From June 1938 Major of the SA (Storm Troops), later Lieutenant Colonel of the SA."

The "Haffner Doctrine"

10 Points on W. German Policy

(Sebastian Haffner, for many years Germany correspondent of the London "Observer", today writes mainly for the West German press. He has become the unofficial spokesman for various liberal groupings in West Germany which are seeking a way out of the present impasse in the German question. In November he published "Ten Theses on German Policies" which are presented in full below as an indication of present thinking in unorthodox but growingly important circles in West Germany.)

1. The policy of the German Federal Republic is still based upon the world situation of 15 years ago, a situation which no longer exists.

2. This world situation was characterised by the polarisation of power, the creation of blocks in the East and the West, the Cold War, and the expectation of a Third World War.

3. The present world situation is characterised by the absolute necessity of preventing war, American-Russian cooperation with this aim, the erosion of the blocks in East and West, a revival of the national-state principle, and an increasing ellision of ideological contradictions.

4. Germany in its two parts is no longer strong enough to go against the stream. It must adapt itself to the world situation, and this accords with its own interests.

5. The policy of the Federal Republic has three declared aims: security of the Federal Republic; Western European and Atlantic integration; the reunification of Germany. The second aim is today unattainable and has become uninteresting. The first and the third need a new definition in the changed world situation.

6. The security of the Federal Republic can no longer be attained by an alliance with America against Russia, but only through good relations with Russia. It is lucky that American-Russian detente makes this possible for the Federal Republic without losing American friendship. (If there were no detente, then it would have to be invented in Germany.)

7. The establishment of good relations with Russia demands, if not the recognition of the GDR, then at least self-recognition on the part of the Federal Republic: that is to say recognition of the fact that the German Reich of 1937 no longer exists, and that the Federal Republic is neither identical with it, nor has a claim to its restoration.

8. The reunification of Germany can today only be understood and brought about as the unification of the Federal Republic and the GDR. Territorial aims going beyond this endanger even this possibility.

9. The reunification of the two German states, partial states, or zones, cannot be attained by force or pressure, but only by the voluntary cooperation of the two partners with the approval of their protecting powers; it cannot take place in one action, but only as a continuing process. This is conditional upon a change of attitude on the part of the

(cont. at foot of next page)

Three Encounters

by Anna Seghers

(Anna Seghers, one of the greatest living German writers, was forced to emigrate during the nazi period. She returned to Germany in 1947, and has played a prominent part in the cultural life of the German Democratic Republic. She read the three short episodes reproduced below at a special session of the German Academy of Arts in East Berlin on October 1st.)

Amongst those who returned with us to Germany from exile abroad was a quiet woman, no longer young, who did not appear to have any special talents. She found work in the office of a new nationally owned factory and was always punctual and reliable and did her job well. But she had been through a great deal in her life and her experience was not being used.

One day she met an old friend, a lawyer.

"Why, you're just the woman I'm looking for," he said. "We're training judges for the juvenile courts."

The woman hesitated at first, but then decided to take the course. She learned very quickly to distinguish between what was no longer any use in the old criminal code and what could still apply in the new circumstances. She had always understood how to deal with young people and now she learned how to deal with those who had slipped up or even gone quite off the rails.

Many years have passed since then. The woman recently received a letter:

"Do you remember Eddy? I came up before the juvenile court because I had acted as lookout watch for a gang. I thought then that our gang somehow made up for my not having been able to fight in the war, like my brother. I was absolutely sure I ought to be loyal to my gang. But you opened my eyes then, and I've never forgotten you. I'm an electrician now and have a family. I'll see that my son doesn't grow up like me."

*

They were clearing away rubble and a young teacher was helping. He noticed a woman watching him thoughtfully. She caught him up in the street when he was on his way home.

"I'd like to ask you something," she said. "Don't you really get paid for clearance work? Do you really do it voluntarily, as they say?"

"Of course I do it of my own free will."

"But why?"

"I'd like things to get better for everybody as quickly as possible. So we've got to get rid of all the rubble."

The woman walked along beside him in silence.

"I'd like your advice about something," she said after a while, and began to tell him about herself in a somewhat confused way; about a friend whom she loved, about her husband who had come back from the war rougher and harder than he had been before, and about her little son who was afraid of his father because he hit them both.

"What am I to do?" she asked.

"But why do you ask me?" asked the teacher.

"Well, I've asked other people, too, but they were all so full of their own troubles. But when I saw you working away there, for other people — not just for yourself — I thought to myself that you'd be the person to ask for advice."

*

Two women were riding on a country bus. When they got to the check point one of them showed her GDR identity card and the other her West German visitors' permit.

"I hope Laura got my card in time," said one woman. "The post is so terribly slow here."

"Everything works smoothly with us," said the other, who might have been her sister, or her cousin. "But it doesn't matter if we give Laura a surprise."

"Oh, but it does matter," the other answered. "We've waited so long, what with all the delays in getting your permit."

"Things like that get done quite quickly with us."

"And now that you're here at last, Laura would like to do a bit of baking. You know we can still only buy our meat at the butchers' where we're registered."

"Oh, with us you can get whatever you want wherever you like, so long as you have the money to pay for it. Laura wrote that your Hans is earning good money now."

"That's true, of course, but he can't get a shirt like the one you sent him. They just don't have them here."

The bus rattled on — "with you, with us, with you, with us".

"How's Fritz?" asked the woman with the GDR identity card.

"He'll be finishing his apprenticeship this year."

"So soon? Our Gerda is still at school. We have ten-year school now, you know."

"They say they'll soon be putting up the school-leaving age with us, too. But Fritz will be earning by then, thank goodness."

"Well, there's two ways of looking at it, you know. A bit more education will come in useful later on."

"And how's Erna?"

"She's just got a bonus, a trip to Rügen with her brigade."

"What's a brigade?"

The bus rattled on — "with us, with you, with us, with you".

"My Otto paid for a trip to Venice with his wife. He paid in instalments beforehand and didn't miss the money. He's earning good money now with the Alding Cog-wheel company. Old Alding's a good businessman and gets on with his men all right. He didn't forget anything in prison. You know he was in for a couple of years."

"What for?"

"Oh, something to do with the war and the Nuremberg Trials. He made stuff for the Wehrmacht, and he didn't treat his foreign workers right. But they had to give him his factory back again; it was his, after all."

"But doesn't Otto feel a bit queer about having a boss like that?"

"Why should he? Alding treats his men all right."

"Well, it couldn't happen here. They wouldn't return a factory to a man like that here."

"But why not? All that's been over for ages. We don't talk about things like that any more."

"Well, things are different here . . ."

(cont. from previous page)

Federal Republic from enmity to friendship, and from boycott to the closest possible cooperation with the GDR.

10. The ideological and social differences of the two parties should not be regarded as an obstacle but as an opportunity. Germany thus has the opportunity to do pioneer work in the process of eroding ideological contradictions and bringing about coexistence between differing social systems, a process which is necessary for the whole world. Coexistence between different systems in one country is in accordance with German traditions, as is shown particularly by the Peace of Augsburg (1555), but also implemented and conserved in the Reich Constitution since 1648, the Federal Constitution of 1815, and to a small extent in the Reich Constitution of 1871.

HONS & REBELS

(PLUS A DANISH ESPERANTIST) HARRY U. S. POSTMASTER

Court Voids Law To Halt Propaganda

"Post Office interception of Communist propaganda from abroad was ruled unconstitutional here yesterday in a landmark decision by a three-man Federal Court panel. The unanimous decision marked the first time an act of Congress had been ruled unconstitutional for violating the free speech clause of the First Amendment to the Constitution.

"The judges, in upsetting the 1962 statute, said it was 'clearly incompatible with the requirements of a free society.'

"The law said that mail identifiable as Communist propaganda from abroad could not be delivered until the addressee had been notified and had requested delivery in writing.

"Marshall Krause of the American Civil Liberties Union termed the decision very significant... He filed the suit in July 1963 for Leif Heilberg, a 31-year-old San Francisco toolmaker. Heilberg, an Esperanto scholar, wanted to receive a Chinese Communist pamphlet printed in Esperanto.

"He testified that as a Danish immigrant here, he feared his chances of becoming an American citizen might be hurt if he got on the Post Office list of those indicating a desire to receive Communist propaganda. And Postmaster John F. Fixa conceded that the post office here has a file of 7000 persons to whom Communist propaganda has been addressed. The list is not required by the statute, the judges said, and its existence raises a 'serious question'.

"They pointed out that 'similar lists under earlier non-statutory screening programs were routinely turned over to the House Committee on Un-American Activities. There are no assurances that such lists shall not be made available in the future, because they are not listed as confidential.'

"The judges said the recipients of the propaganda suffered 'social stigma and economic injury. We do not think a person should be made to suffer social disapprobation in order to assert constitutional rights'...

"The Government will presumably appeal the ruling to the U.S. Supreme Court."

"San Francisco Chronicle", November 19th 1964

MESSAGE TO ADDRESSEE

(Detach here)

This office is holding unsealed mail matter addressed to you from a foreign country. Under Public Law 87-793, the Customs Bureau of the Treasury Department has determined this mail to be Communist political propaganda. It cannot be delivered to you unless you have subscribed to it, or otherwise want it. Please check the appropriate box on this card and return. If your reply is not received by the date indicated, it will be assumed that you do not want to receive the publication(s) listed, or any similar publications. If more than one publication is listed on the card and you want to receive one or more, but not all of them, cross out the ones you don't want and check box #1.

Postmaster

Censorship regulations imposed by the US Postmaster have been under heavy fire recently from such assorted sources as Mrs Jessica Treuhaft (the Hon. Jessica Mitford, author of "Hons and Rebels" and recent bestseller "The American Way of Death"); Mrs Madalyn Murray, militant US atheist who last year won a Supreme Court ban on school prayer; and a Danish Esperantist. Here are some shots from the battle:

Freethought Society of America, Inc
1060 Spencer Street Honolulu
24 August 1964

Post Department
New York 1

Gentlemen:

Just who in the hell do you think you are that you dare to send me this POD Form 2153–X? The job of the post office is to deliver mail and not to censor what I read.

The publication you list, the "Democratic German Report", you say, has been determined by you to be Communist political propaganda. Well now, isn't that frightening? If I want to read Communist political propaganda that is my business and not yours.

I not only subscribe to this, but now that I know that you are sticking your fat face into my reading habits I intend to increase my subscription to 10 a month in order to present copies of this to all of my friends.

I want to receive any mail addressed to me. Keep your nose out of my mail, and your hands off it.

Your stupid form is herewith filled to indicate that I want the publication "Democratic German Report" and that now I will see how many other such publications I can get my hands on. Censorship indeed! Why don't you go work for Goldwater?

Madalyn Murray
President

Law Office of Treuhaft & Walker
1440 Broadway
Oakland, California
October 26 1964

Postmaster
New York 1

Dear Sir,

Our client, Mrs Jessica Treuhaft, asks us to advise you that she objects to censorship in any form, and that she strongly protests your action in reading mail directed to her to determine whether it is "communist political propaganda". She needs no such Big Brother protection.

It is hoped that if you are relieved of censorship duties you will direct your efforts toward restoring the prompt and efficient and frequent postal service which we enjoyed in pre-censorship days.

Robert E. Treuhaft

BERLIN NOTEBOOK

By John Peet

A leading West German banker has just come out with an Irish Bull which would be very funny if the subject were not so serious. Hermann Abs, today director of the powerful Deutsche Bank, stated, according to the news magazine "Spiegel": "I believe that only people who were hanged or shot by the nazis have any right to say that they took part in the resistance against Hitler."

Abs should know something about the subject. Orientation Pamphlet No. 31/110A, issued by the US Army Department in spring 1945 stated: "Hermann Abs, one of the leading German financiers, has amassed huge sums under National Socialism".

The "OMGUS Bulletin", published by the US Office of Military Government in Germany in November 1946, stated: "Abs was the guiding spirit of the villainous Deutsche Bank, which combined an unusual concentration of economic power with active collaboration in the criminal policies of the nazi regime... Abs devoted his entire attention to extending German domination throughout Europe."

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There has been a lot of talk in West Germany and other countries lately about the "Statute of Limitations", and whether it should be extended to cover the cases of nazi war criminals not yet found or prosecuted. Since the concept of a statute of limitations in criminal cases does not exist in most countries which have adopted the Anglo-Saxon legal system, it may be useful to explain what it means.

Basically the idea is this: in Germany — both German states — and in most other European countries, there are paragraphs in the Criminal Code stating that after a certain number of years various classes of crimes are no longer liable to prosecution. The German Criminal Code lays down that prosecutions for murder cannot be started after a lapse of 20 years.

This may be a perfectly reasonable ruling in "normal" cases of murder, if you can speak of normality at all in connection with such a crime; and in any case it does not often arise. If you murdered your rich aunt 20 years ago to get her money, and have managed to keep it a secret for all that time, the chances that it will come out now are pretty small.

But the recent debate has not been concerned with "normal" cases of murder, but with the enormous mass murders committed by the nazis. These are not only cases involving tens of thousands and millions of victims, but cases about which we know many of the frightful details. Despite nazi attempts to keep some of the biggest murder operations secret, these murders were committed by bureaucrats, and this means that they prepared reports in triplicate; and that a vast mass of documentary evidence has remained available.

Some of the murderers have been brought to book and punished by courts in France, the Soviet Union, Poland, and other countries. Courts in East Germany, later the GDR, sentenced about 12,000 nazi criminals; West German courts sentenced a total of 5,400, often to ridiculously light terms of imprisonment.

But some thousands of guilty men, whose names are known, and against whom overwhelming documentary evidence is available, are still at large. Estimates of their number range upwards from 10,000. A very large proportion of these men (and a few women too), are known to be resident in West Germany. Some are hiding under false names, but many others are living quite openly, confident that the "old-boy-network" of SS men and nazi collaborators in the police and the courts will prevent them from coming to any harm. A case in point here is provided by the hundreds of West German judges against whom hard documentary evidence of wartime crimes has been presented; some have retired from the bench, but none have been prosecuted.

The West German Government apparatus, honey-combed as it is with men who served the nazis, has grasped with pleasure the chance provided by the statute of limitations to get out of its legal responsibility for taking action. It argues facilely that it would be unconstitutional to change the law retrospectively. But other countries have in fact suspended indefinitely the statute of limitations with regard to nazi crimes; the German Democratic Republic did it some months ago, and Belgium last month; and responsible West German lawyers have pointed out that such a change would not in fact be unconstitutional.

West Germany's Minister of Justice announced on November 13th that the government had decided not to suspend the statute of limitations, but public protests in many parts of the world have led to growing unease about West Germany's "image" in the world if this decision is carried out. It may be useful to recall that the present wave of trials of nazi criminals in West Germany, even though it only touches the fringe of the problem, resulted from world-wide indignation following the "swastika-smearing" scandal at the end of 1959.

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If you should happen to be an old and incriminated nazi, and live in West Germany, you should take great care not to disagree openly with the powers-that-be.

This is the obvious lesson taught by the odd case of Judge Heinrich Jagusch. I am sorry to carry on so about West German judges in this issue of the paper, but that is the way the news has come in in the past week or two.

From 1956 to 1962, Judge Jagusch was sitting pretty, as senior judge of the political division of the West German Federal Court. In this position he dealt very severely with progressives, socialists and communists.

In December 1962, the GDR authorities published some old nazi documents just discovered, showing that Jagusch had been a Nazi Party member, and a legal adviser to the nazi trade unions.

The West German authorities immediately declared that they knew all about his past record, that he was a man of the greatest integrity, and that nothing would be done about it; but it was a little embarrassing to have him as the top political judge, so he was shifted to the branch of the Supreme Court dealing with traffic cases.

There the matter would probably have ended; other judges with a far more bloody record than Jagusch have kept their posts. But Jagusch had some ambitions as a law reformer, and was incautions enough to publish this October, in a West German magazine, a couple of articles severely criticising some of the stipulations of West German law.

Being an old nazi was obviously all right with the authorities; daring to criticise their laws was something else again. And so, on November 24th, the West German Ministry of Justice suddenly announced that proceedings had been opened against Jagusch for concealing his nazi past.

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